

ORDINANCE

122615

AN ORDINANCE relating to land use and zoning; repealing Section 23.48.022, amending Sections 23.22.052, 23.22.100, 23.24.020, 23.24.035, 23.24.040, 23.53.015 and 23.53.020, and adding a new Section 23.53.006 to the Seattle Municipal Code to amend the requirements for pedestrian access and circulation.

WHEREAS the benefits of walking in terms of disease prevention, mental and physical fitness, social interaction, and general public health and well-being are well-documented; and

WHEREAS the ease with which pedestrians can navigate within a community is an important index of the livability, vitality, affordability, and attractiveness of that community; and

WHEREAS communities where walking is an important part of the transportation network are acknowledged as being more efficient and sustainable; and

WHEREAS the development of pedestrian-friendly neighborhoods and facilities is consistent with the Seattle Comprehensive Plan; and

WHEREAS the Comprehensive Plan has identified Urban Centers and Urban Villages as the areas most suitable to accommodate future population and employment growth; and

WHEREAS public transit service is located primarily within Urban Centers, Urban Villages, and along arterial streets; and

WHEREAS multifamily housing, employment centers, and public transit are significant generators of pedestrian activity; and

WHEREAS the majority of the city's pedestrian activity is located in and around Urban Centers, Urban Villages, and public transit facilities; and

WHEREAS new development is contributing significantly to the volume of both vehicular and pedestrian traffic, particularly in Urban Centers, Urban Villages, and along arterials, necessitating additional sidewalk infrastructure to safely separate new pedestrians from growing vehicular traffic; and

WHEREAS it is necessary to address the growing need for pedestrian infrastructure in areas developing consistent with the City's growth management strategy to accommodate new development in Urban Centers and Villages; and

WHEREAS in order to safely move people from new development to and among destinations within centers, villages, and along arterials including transit stations, commercial goods and services, and jobs, it is necessary that, over time, a safe pedestrian infrastructure connects these destinations with new development; and

WHEREAS the Land Use Code's requirements for sidewalks are inadequate to meet the growing need for pedestrian infrastructure caused by new development; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to existing sidewalks contiguous to the subdivision.

~~((C.))~~ D. ((Convenient pedestrian and v)) Vehicular access to every lot shall be from ((by way of)) a dedicated street, ((or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required,)) unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by private easement would not compromise the goals of the Land Use Code to provide for adequate pedestrian access and safety, light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking (~~((for overflow conditions))~~); and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

~~((D.))~~ E. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian ~~((traffic))~~ access and circulation at least ten (10) feet wide parallel to and bordering the high water mark.

~~((E.))~~ E. If the Hearing Examiner concludes that the public interest will be served, the Hearing Examiner may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, ~~((sidewalks))~~ pedestrian access and circulation, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the

1 corporation shall be conditioned upon ownership of land in the subdivision, that the corporation
2 is empowered to assess the land for costs of construction and maintenance of the improvements
3 and property owned by the corporation, and that the assessment shall be a lien upon the land. The
4 City Attorney shall review and approve the articles of incorporation and bylaws as to compliance
5 with this provision. The Hearing Examiner may impose other conditions as he or she deems
6 appropriate to assure that property and improvements owned by the corporation will be
7 adequately constructed and maintained.

9 ((F-))G. Any dedication, donation or grant as shown on the face of the plat shall be
10 considered, to all intents and purposes, as a quitclaim deed to the donee or donees, grantee or
11 grantees, for his, her or their use for the purpose intended by the donors or grantors.

13 ((G-))H. Dedicated sidewalks, streets and alleys shall meet the requirements of Chapter
14 23.53 and the Right-of-Way Improvements Manual. Private ((E))easements shall meet the
15 requirements of Section 23.53.025.

17
18 Section 2. Section 23.22.100 of the Seattle Municipal Code, which Section was last
19 amended by Ordinance 122205, is amended as follows:

20 **23.22.100 Design standards.**

21 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
22 standards set forth in this subsection:

24 * * *

25 C. Lots.



1. Every lot shall be provided with convenient pedestrian and vehicular access to a street or to a permanent appurtenant easement (~~((which))~~) that satisfies the requirements of Sections 23.53.005 and 23.53.006.

2. Lots shall be numbered with reference to blocks.

D. ~~((Sidewalks-))~~Design Standards for Pedestrian Access and Circulation. Design of sidewalks ~~((or))~~and private sidewalk easements ~~((in residential subdivisions))~~ for pedestrian access and circulation shall meet the standards of ~~((shall be as required by))~~the ~~((Director of Transportation-))~~Right-of-Way Improvements Manual.

* * *

Section 3. Section 23.24.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.24.020 Content of application.

Applications for approval of a short subdivision shall include the following:

* * *

F. Location of existing roadways, sidewalks and/or pedestrian walkways, sanitary sewer, storm drain and watermains, if any, together with proposed street improvements; and

* * *

Section 4. Section 23.24.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

23.24.035 Access.

A. Every short (~~plot~~) subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks

1 and other public open spaces for general purposes as may be required to protect the public health,
2 safety and welfare.

3 B. Protective improvements and easements to maintain the improvements shall be
4 dedicated at the discretion of the City.

5 ~~((C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street
6 or permanent appurtenant easement shall be required.))~~

7
8 C. When sidewalks are provided on dedicated streets, they must be convenient for
9 pedestrians and contiguous to each other and to any private sidewalks within the short
10 subdivision and to existing sidewalks contiguous to the short subdivision.

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12 D. Vehicular ~~((A))~~ access to new lots shall be from a dedicated street, unless the Director
13 determines that the following conditions exist, and permits access by a permanent private
14 easement:

15 1. Access by private easement would not compromise the goals of the Land Use
16 Code to provide for adequate pedestrian access and safety, light, air and usable open space
17 between structures; and

18
19 2. The dedication and improvement of a street is not necessary or desirable to
20 facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate
21 adequate storm drainage; and

22
23 3. The dedication and improvement of a street is not necessary or desirable in
24 order to provide on-street parking ~~((for overflow conditions))~~; and

25
26 4. No potential safety hazards would result from multiple access points between
27 existing and future developments onto a roadway without curbs and with limited sight lines; and

28 5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

E. Dedicated streets, sidewalks, and alleys shall meet the requirements of Chapter 23.53 and the Right of Way Improvements Manual. Private ((E)) easements shall meet the requirements of Section 23.53.025.

Section 5. Section 23.24.040A of the Seattle Municipal Code, which Section was last amended by Ordinance 121163, is amended as follows:

23.24.040 Criteria for approval.

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. Conformance to the applicable Land Use Code provisions, as modified by this chapter;

2. Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;

3. Adequacy of drainage, water supply and sanitary sewage disposal;

4. Whether the public use and interests are served by permitting the proposed division of land;

5. Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

6. Whether the proposed division of land ((F)) is designed to maximize the retention of existing trees;

1 7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions,
2 when the short subdivision is for the purpose of creating separate lots of record for the
3 construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-
4 family housing; and

5 8. Conformance to the provisions of Section 23.24.046, Multiple single-family
6 dwelling units on a single-family lot, when the short subdivision is for the purpose of creating
7 two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.
8

9 * * *

10 Section 6. Section 23.48.022 of the Seattle Municipal Code, which Section was
11 established by Ordinance 118302, is hereby repealed.
12

13 Section 7. A new Section 23.53.006 of the Seattle Municipal Code, is adopted to read
14 as follows:

15 **23.53.006 Pedestrian access and circulation**

16 A. **General Requirements.** Pedestrian access and circulation are required on all
17 streets in all zones as set forth in this Section. Pedestrian access and circulation improvements
18 shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian
19 walkways. The regulations in this section are not intended to preclude the use of Chapter 25.05
20 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental
21 impacts.
22

23 B. **Dedication of New Streets.** Sidewalks and curbs are required when new streets are
24 dedicated.
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26 C. **Within Urban Centers and Urban Villages.** Within Urban Centers and Urban
27 Villages, sidewalks are required whenever new lots are created through the platting process,
28

1 including full and short subdivisions and unit lot subdivisions, and whenever development is
2 proposed that abuts any existing street without a sidewalk, in any zone, except as specified in
3 subsection F of this section.

4 **D. Outside Urban Centers and Urban Villages.** Outside of Urban Centers and Urban
5 Villages, sidewalks are required on an existing street in any of the following circumstances,
6 except as provided in subsection F of this section:
7

8 1. In any zone with a pedestrian designation, sidewalks are required whenever
9 new lots are created through the platting process, including full and short subdivisions and unit
10 lot subdivisions, and whenever development is proposed.

11 2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits
12 23.50.016 A and 23.50.016 B, sidewalks are required whenever new lots are created through the
13 platting process, including full and short subdivisions and unit lot subdivisions, and whenever
14 development is proposed. Sidewalks are required only for the portion of the lot that abuts the
15 designated street.
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17

18 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
19 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are
20 required whenever new lots are created through the platting process, including full and short
21 subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are
22 required only for the portion of the lot that abuts the arterial.
23

24 4. In SF, LDT and L1 zones, sidewalks are required when ten (10) or more lots are
25 created through the platting process, including full and short subdivisions and unit lot
26 subdivisions, and when ten (10) or more dwelling units are developed.
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5. Outside of SF, LDT and L1 zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when six (6) or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when six (6) or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when the following nonresidential uses are developed:

a. Seven hundred fifty (750) square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

b. Four thousand (4,000) square feet or more of nonresidential uses not listed in subsection D6a.

E. Requirements for Pedestrian Walkways in Certain Industrial Zones. In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, whenever development is proposed on existing streets that do not have curbs, a pedestrian walkway is required, except as provided in subsection F of this section.

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. Projects Exempt from Requirements. Pedestrian access and circulation improvements are not required for the following types of projects:

a. changes of use;

b. alterations to existing structures;

c. additions to existing structures that are exempt from environmental review;

d. expansions of surface parking, outdoor storage, outdoor sales and outdoor display of rental equipment of less than twenty (20) percent of the parking, storage, sales or display area, or number of parking spaces.

e. In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, in addition to the exemptions in subsections F1a through F1d, pedestrian access and circulation improvements are not required for the following types of development:

i. Fewer than ten (10) artist's studio dwellings;

ii. Less than seven hundred fifty (750) square feet of gross floor area of major and minor vehicle repair uses and multipurpose retail sales;

iii. Less than four thousand (4,000) square feet of gross floor area of nonresidential uses not listed in subsection F1eii.

2. Waiver or Modification of Pedestrian Access and Circulation

Requirements.

a. The Director, in consultation with the Director of Transportation, may waive or modify pedestrian access and circulation requirements when one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing pedestrian access and circulation.

i. Location in an environmentally critical area or buffer makes installation of a sidewalk impractical or undesirable;

1 ii. The existence of a bridge, viaduct or structure such as a
2 substantial retaining wall in proximity to the project site makes installation of a sidewalk
3 impractical or undesirable;

4 iii. Sidewalk construction would result in undesirable disruption of
5 existing drainage patterns, or disturbance to or removal of natural features such as significant
6 trees or other valuable and character-defining mature vegetation; or

7 iv. Sidewalk construction would preclude vehicular access to the
8 lot, for example on project sites where topography would render driveway access in excess of the
9 maximum twenty percent (20%) slope.
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11 3. **Deviation from Sidewalk Standards.** The Director of Transportation may
12 grant a deviation from sidewalk standards specified in the Right-of-Way Improvements Manual
13 through the Deviation Request Process in order to address environmental and sustainability
14 issues through the use of an alternative sidewalk design and/or materials.
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18 Section 8. Section 23.53.015 of the Seattle Municipal Code, which Section was last
19 amended by Ordinance 122311, is amended as follows:

20 **23.53.015 Improvement requirements for existing streets in residential and commercial**
21 **zones.**

22 **A. General Requirements.**

23 1. ~~((In residential or commercial zones, w))~~When new lots are proposed to be
24 created, or any type of development is proposed in residential or commercial zones, existing
25 streets abutting the lot(s) ~~((shall be))~~ are required to be improved in accordance with this section
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and Section 23.53.006, Pedestrian access and circulation. One (1) or more of the following types of improvements may be required under this section:

- a. Pavement;
- b. Curb ~~((and sidewalk))~~ installation;
- c. Drainage;
- d. Grading to future right-of-way grade;
- e. Design of structures to accommodate future right-of-way grade;
- f. No-protest agreements; and
- g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.

2. Subsection D of this section contains exceptions from the standard requirements for street improvements, including exceptions for streets ~~((which))~~ that already have curbs, projects ~~((which))~~ that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

3. Off-site improvements, such as provision of drainage systems or fire access roads, ~~((with))~~ shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual ~~((, as adopted by joint rule of the Director and the Director of Transportation))~~.

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Right-of-Way Improvements Manual. ((See ~~Exhibit 23.53.015 A.~~)))

b. Non-arterials.

(1) The minimum right-of-way width for an existing street ((which)) that is not an arterial designated on Exhibit 23.53.015 A shall be as shown on ((e)) Chart A for Section 23.53.015.

Chart A for Section 23.53.015

Minimum Right-of-Way Widths for Existing Non-arterial Streets

Zone Category	Required Right-of-Way Width
1. SF, LDT, L1, L2 and NC1 zones; and NC2 zones with a maximum height limit of forty feet (40') or less	40 feet
2. L3, L4, MR, HR, NC2 zones with height limits of more than forty feet (40'), NC3, C1, C2 and SCM zones	52 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

1 **B. Improvements to Arterials.** Except as provided in subsection D of this section,
2 arterials shall be improved according to the following requirements:

3 1. When a street is designated as an arterial on Exhibit 23.53.015 A, a paved
4 roadway with a ~~((concrete))~~ curb and ~~((sidewalk))~~ pedestrian access and circulation as required
5 by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the
6 lot is located shall be provided in the portion of the street right-of-way abutting the lot, as
7 specified in the Right-of-Way Improvements Manual.

8
9 2. If necessary to accommodate the right-of-way and roadway widths specified in
10 the Right-of-Way Improvements Manual, dedication of right-of-way ~~((shall be))~~ is required.

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12 **C. Improvements to Non-arterial Streets.** Except as provided in subsection D of this
13 section, non-arterial streets shall be improved according to the following requirements:

14 **1. Non-arterial Streets With Right-of-Way Greater Than or Equal to the**
15 **Minimum Right-of-Way Width.**

16 a. Improvement Requirements. When an existing non-arterial street right-
17 of-way is greater than or equal to the minimum right-of-way width established in subsection A6,
18 a paved roadway with ~~((a concrete curb and sidewalk))~~ pedestrian access and circulation as
19 required by 23.53.006, drainage facilities, and any landscaping required by the zone in which the
20 lot is located shall be provided, ~~((according to))~~ as specified in the Right-of-Way Improvements
21 Manual.
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23
24 b. Fire Access. If the lot does not have vehicular access from a street or
25 private easement ~~((which))~~ that meets the regulations for fire access roads in Chapter 10 of the
26 Seattle Fire Code, such access shall be provided. When an existing street does not meet these
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1 regulations, the Chief of the Fire Department may approve an alternative ~~((which))~~that provides
2 adequate emergency vehicle access.

3 c. Dead-end Streets. Streets that form a dead end at the property to be
4 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
5 the Right-of-Way Improvements Manual. The Director, in consultation with the Director of
6 Transportation, shall determine whether the street has the potential for being extended or whether
7 it forms a dead end because of topography and/or the layout of the street system.
8

9 **2. Non-arterial Streets With Less Than the Minimum Right-of-Way Width.**

10 a. Dedication Requirement. When an existing non-arterial street has less
11 than the minimum right-of-way width established in subsection A6 of this section, dedication of
12 additional right-of-way equal to half the difference between the current right-of-way width and
13 the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~is
14 required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the
15 block shall not be required to dedicate more than that amount of right-of-way.
16

17 b. Improvement Requirement. A paved roadway with ~~((a concrete curb and~~
18 ~~sidewalk))~~pedestrian access and circulation as required by Section 23.53.006, drainage facilities
19 and any landscaping required by the zone in which the lot is located shall be provided in the
20 portion of the street right-of-way abutting the lot, ~~((according to))~~as specified in the Right-of-
21 Way Improvements Manual.
22

23 c. Fire Access. If the lot does not have vehicular access from a street or
24 private easement ~~((which))~~that meets the regulations for fire access roads in Chapter 10 of the
25 Seattle Fire Code, such access shall be provided. When an existing street does not meet these
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1 regulations, the Chief of the Fire Department may approve an alternative ~~((which))~~ that provides
2 adequate emergency vehicle access.

3 d. Dead-end Streets. Streets that form a dead end at the property to be
4 developed shall be improved with a cul-de-sac or other vehicular turnaround ~~((in accordance~~
5 ~~with))~~ as specified in the Right-of-Way Improvements Manual. The Director, in consultation
6 with the Director of Transportation, shall determine whether the street has the potential for being
7 extended or whether it forms a dead end because of topography and/or the layout of the street
8 system.
9

10 **D. Exceptions.**

11 **1. Streets With Existing Curbs.**

12 a. Streets With Right-of-Way Greater Than or Equal to the Minimum
13 Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way
14 is greater than or equal to the minimum width established in subsection A6 of this section, but
15 the roadway width is less than the minimum established in the Right-of-Way Improvements
16 Manual, the following requirements shall be met:
17

18 (1) All structures on the lot shall be designed and built to
19 accommodate the grade of the future street improvements.
20

21 (2) A no-protest agreement to future street improvements ~~((shall~~
22 ~~be))~~ is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the
23 King County Department of Records and Elections.
24

25 ~~((3) If there is no sidewalk, a sidewalk shall be constructed in the~~
26 ~~portion of the right-of-way abutting the lot except when the following types of projects are~~
27 ~~proposed:~~
28



i. ~~Remodeling and use changes within existing structures;~~

and

ii. ~~Additions to existing structures that are exempt from~~

~~environmental review.))~~

(3) Pedestrian access and circulation is required as specified in

Section 23.53.006.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standard((s)), except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements (~~((shall be))~~) is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(4) Pedestrian access and circulation is required as specified in Section 23.53.006.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, (~~((according to))~~) as specified in the Right-of-Way Improvements Manual.

(2) All structures on the lot(s) shall be designed and built to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(4) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments that contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ~~((convenience stores))~~ retail sales;

iii. Non-residential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii that are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

vii. Expansions of ~~((a))~~ surface parking, ~~((area or open))~~ outdoor storage, outdoor sales or outdoor display of rental equipment ~~((area))~~ of less than twenty (20) percent of the parking, ((area or)) storage, sales or display area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that

1 form a dead end at the property to be developed shall be improved with a cul-de-sac or other
2 vehicular turnaround (~~((in accordance with))~~) as specified in the Right-of-Way Improvements
3 Manual. The Director, after consulting with the Director of Transportation, shall determine
4 whether the street has the potential for being extended or whether it forms a dead end because of
5 topography and/or the layout of the street system.

6
7 (3) Other Requirements. The (~~((setback, grading and no protest~~
8 ~~agreement))~~) requirements of subsection D1b shall also be met.

9 **3. Exceptions from Required Street Improvements.** The Director, in
10 consultation with the Director of Transportation, may waive or modify the requirements for
11 paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping, and curb
12 (~~((and sidewalk))~~) installation when (~~((it is determined that))~~) one (1) or more of the following
13 conditions are met(~~((:))~~). The waiver or modification shall provide the minimum relief necessary to
14 accommodate site conditions while maximizing access and circulation.

15
16 a. Location in an environmentally critical area or buffer, disruption of
17 existing drainage patterns, or removal of natural features such as significant trees or other
18 valuable and character-defining mature vegetation makes widening and/or improving the right-
19 of-way impractical or undesirable.

20
21 b. The existence of a bridge, viaduct or structure such as a substantial
22 retaining wall in proximity to the project site makes widening and/or improving the right-of-way
23 impractical or undesirable.

24
25 c. Widening the right-of-way and/or improving the street would adversely
26 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City
27
28

1 plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with
2 the stated goals of such a plan.

3 d. Widening and/or improving the right-of-way would ~~((eliminate street))~~
4 preclude vehicular access to an existing lot.

5 e. Widening and/or improving the right-of-way would make building on a
6 lot infeasible by reducing it to dimensions where development standards cannot reasonably be
7 met.

8 f. One (1) or more substantial principal structures on the same side of the
9 block as the proposed project are located in the area needed for future expansion of the right-of-
10 way and the structure(s)' condition and size make future widening of the remainder of the right-
11 of-way unlikely.

12 g. Widening and/or improving the right-of-way is impractical because
13 topography would preclude the use of the street for vehicular access to the lot, for example due to
14 an inability to meet the required twenty (20) percent maximum driveway slope.

15 h. Widening and/or improving the right-of-way is not necessary because it
16 is adequate for current and potential ~~((pedestrian and))~~ vehicular traffic, for example, due to the
17 limited number of lots served by the development or because the development on the street is at
18 zoned capacity.

19 Section 9. Section 23.53.020 of the Seattle Municipal Code, which Section was last
20 amended by Ordinance 122205, is amended as follows:

21 **23.53.020 Improvement requirements for existing streets in industrial zones.**

22 **A. General Requirements.**

1 1. When new lots are created or any type of development is proposed in an
2 industrial zone, existing streets abutting the lot(s) ~~((shall be))~~ are required to be improved in
3 accordance with this section and Section 23.53.006, Pedestrian access and circulation. One (1) or
4 more of the following types of improvements may be required by this section:

- 5 a. Pavement;
- 6 b. Curb ~~((and sidewalk))~~ installation;
- 7 ~~((c. Pedestrian walkways;))~~
- 8 ~~((d.))~~ c. Drainage;
- 9 ~~((e.))~~ d. Grading to future right-of-way grade;
- 10 ~~((f.))~~ e. Design of structures to accommodate future right-of-way grade;
- 11 ~~((g.))~~ f. No-protest agreements; and
- 12 ~~((h.))~~ g. Planting of street trees and other landscaping.

13 A setback from the property line, or dedication of right-of-way, may be required to
14 accommodate the improvements.

15 2. Subsection E of this section contains exceptions from the standard
16 requirements for street~~((s))~~ improvements, including exceptions for streets ~~((which))~~ that already
17 have curbs, projects ~~((which))~~ that are smaller than a certain size, and for special circumstances,
18 such as location in an environmentally critical area.

19 3. Off-site improvements, such as provision of drainage systems or fire access
20 roads, ~~((will))~~ shall be required pursuant to the authority of this Code or other ordinances to
21 mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual (~~((as adopted by joint rule of the Director and the Director of Transportation))~~).

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Right-of-Way Improvements Manual.

b. Non-arterials.

(1) The minimum right-of-way width for an existing street ~~((which))~~that is not an arterial designated on Exhibit 23.53.015 A shall be as shown on ~~((e))~~Chart A for Section 23.53.020.

Chart A for Section 23.53.020

Minimum Right-of-Way Widths for Existing Non-arterial Streets

Zone Category		Required Right-of-Way Width
1.	IB, IC	52 feet
2.	IG1, IG2	56 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

1 **B. Improvements on Designated Streets in All Industrial Zones.** In all industrial
2 zones, except as provided in subsection E of this section, when a lot abuts a street designated on
3 the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following
4 on-site improvements shall be provided:

5 **1. Dedication Requirement.** When the street right-of-way is less than the
6 minimum width established in subsection A6 of this section, dedication of additional right-of-
7 way equal to half the difference between the current right-of-way and the minimum right-of-way
8 width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that
9 if right-of-way has been dedicated since 1982, other lots on the block shall not be required to
10 dedicate more than that amount of right-of-way.

11 **2. ~~((Curbs and Sidewalks))~~ Improvement Requirements.** A paved roadway with
12 a curb, ~~((and sidewalk))~~ pedestrian access and circulation as required by Section 23.53.006 and
13 drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as
14 specified in the Right-of-Way Improvements Manual.

15 **3. Street Trees.**

16 a. Street trees shall be provided along designated street frontages. Street
17 trees shall be provided in the planting strip ~~((according to))~~ as specified in City Tree Planting
18 Standards.

19 b. Exceptions to Street Tree Requirements.

20 (1) Street trees required by subsection B3a may be located on the
21 lot at least two (2) feet from the street lot line instead of in the planting strip when:

22 i. Existing trees and/or landscaping on the lot provide
23 improvements substantially equivalent to those required in this section;
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ii. It is not feasible to plant street trees according to City standards. A five (5) foot deep landscaped setback area shall be required along the street property lines and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be planted there if they cannot be placed in the planting strip.

C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in subsection E of this section, the following improvements shall be required in IG1 and IG2 zones, in addition to the pedestrian access and circulation requirements of Section 23.53.006. Further improvements may be required on streets designated in subsection B of this section.

~~((1. **Pedestrian Walkway Requirement.** When an existing street right-of-way abuts a lot and the street does not have curbs, pedestrian walkways shall be provided according to the Right of Way Improvements Manual.))~~

~~((2))1. **Setback Requirement.** When the right-of-way abutting a lot has less than the minimum width established in subsection A6 of this section, a setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ((shall be)) is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard((s)), except that required parking may not be located in the setback. Underground structures ((which))that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.~~

~~((3))2. **Grading Requirement.** When an existing street abutting a lot is less than the width established in subsection A6 of this section, all structures shall be designed and built to accommodate the grade of the future street improvements.~~

1 ((4))3. **Fire Access.** If the lot does not have vehicular access from a street or
2 private easement (~~((which))~~)that meets the regulations for fire access roads in Chapter 10 of the
3 Seattle Fire Code, such access shall be provided. When an existing street does not meet these
4 regulations, the Chief of the Fire Department may approve an alternative (~~((which))~~)that provides
5 adequate emergency vehicle access.
6

7 ((5))4. **Dead-end Streets.** Streets that form a dead end at the property to be
8 developed shall be improved with a cul-de-sac or other vehicular turnaround (~~((in accordance~~
9 ~~with))~~) as specified in the Right-of-Way Improvements Manual. The Director, after consulting
10 with the Director of Transportation, shall determine whether the street has the potential for being
11 extended or whether it forms a dead end because of topography and/or the layout of the street
12 system.
13

14 ((6))5. **No-protest Agreement Requirement.** When a setback (~~((and/or~~
15 ~~pedestrian walkway))~~) is required (~~((according to))~~) by subsection((s)) C1 ((and/or C2)), or a
16 pedestrian walkway is required as specified in Section 23.53.006, a no-protest agreement to
17 future street improvements shall be required, as authorized by RCW Chapter 35.43. The
18 agreement shall be recorded with the King County Department of Records and Elections.
19

20 **D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones.** Except as provided
21 in subsection E of this section, the following improvements (~~((shall be provided-))~~)are required in
22 IB and IC zones((:)), in addition to the pedestrian access and circulation requirements of Section
23 23.53.006. Further improvements may be required on streets designated in subsection B of this
24 section.
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1 **1. Applicable Zones.** The requirements of this subsection D1 shall apply when
2 projects are proposed on lots in IB zones ~~((which))~~ that are directly across a street from, or
3 ~~((which))~~ that abut, a lot in a residential or commercial zone, and to all projects in IC zones:

4 **a. Improvements to Arterials.**

5 (1) When a street is designated as an arterial on Exhibit 23.53.015
6 A, a paved roadway with a ~~((concrete))~~ curb, ~~((and sidewalk))~~ pedestrian access and circulation
7 as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in
8 which the lot is located shall be provided in the portion of the street right-of-way abutting the lot,
9 ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.
10

11 (2) If necessary to accommodate the right-of-way widths specified
12 in the Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

13 **b. Improvements to Non-arterial Streets.**

14 (1) Non-arterial Streets With Right-of-way Greater Than or Equal
15 to the Minimum Right-of-Way Width.
16

17 i. Improvement Requirements. When an existing non-
18 arterial street right-of-way is greater than or equal to the minimum right-of-way width established
19 in subsection A6 of this section, a paved roadway with ~~((a concrete curb and sidewalk))~~
20 pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any
21 landscaping required by the zone in which the lot is located shall be provided in the portion of
22 the street right-of-way abutting the lot, ~~((according to))~~ as specified in the Right-of-Way
23 Improvements Manual.
24

25 ii. Fire Access. If the lot does not have vehicular access
26 from a street or private easement ~~((which))~~ that meets the regulations for fire access roads in
27
28



Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative ~~((which))~~ that provides adequate emergency vehicle access.

iii. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround ~~((in accordance with))~~ as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(2) Non-arterial Streets ~~((Which Have-))~~ With Less Than the Minimum Right-of-Way Width.

i. Dedication Requirement. When an existing non-arterial street has less than the minimum right-of-way established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

ii. Improvement Requirement. A paved roadway with ~~((a concrete curb and sidewalk))~~ pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

iii. Fire Access. If the lot does not have vehicular access from a street or private easement (~~((which))~~that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative that provides adequate emergency vehicle access.

iv. Dead-end Streets. ~~((When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.))~~Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. When projects are proposed on lots in IB zones (~~((which))~~ that are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection C of this section shall be met.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:



1 (1) All structures on the lot shall be designed and built to
2 accommodate the grade of the future street improvements.

3 (2) A no-protest agreement to future street improvements ~~((shall~~
4 ~~be))~~ is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the
5 title to the property with the King County Department of Records and Elections.

6 (3) If there is no sidewalk, a sidewalk shall be constructed except
7 when an exception set forth in Section 23.53.006 is applicable. ~~((the following projects are~~
8 ~~proposed:~~

9
10 i. ~~Remodeling and use changes within existing structures;~~
11 ii. ~~Additions to existing structures which are exempt from~~
12 ~~environmental review.))~~

13
14 b. Streets With Less Than the Minimum Right-of-way Width. When a
15 street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width
16 established in subsection A6 of this section, the following requirements shall be met:

17 (1) Setback Requirement. A setback equal to half the difference
18 between the current right-of-way width and the minimum right-of-way width established in
19 subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if a setback has
20 been provided under this provision, other lots on the block shall provide the same setback. The
21 area of the setback may be used to meet any development standard, except that required parking
22 may not be located in the setback. Underground structures ~~((which))~~ that would not prevent the
23 future widening and improvements of the right-of-way may be permitted in the required setback
24 by the Director after consulting with the Director of Transportation.
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(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

(3) A no-protest agreement to future street improvements ~~((shall be))~~ is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(4) If there is no sidewalk, a sidewalk shall be constructed except when an exception set forth in Section 23.53.006 is applicable.

2. Projects with Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the ~~((setback, grading and no-protest))~~ pedestrian access and circulation requirements specified in Section 23.53.006 and the requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A6 of this section or does not meet the grade of future street improvements.

a. Structures with fewer than ten (10) artist's studio dwellings;

b. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ~~((convenience stores))~~ retail sales;

c. Nonresidential structures ~~((which))~~ that have less than four thousand (4,000) square feet of gross floor area and ~~((which))~~ that do not contain uses listed in subsection E2b of this section ~~((which))~~ that are larger than seven hundred fifty (750) square feet;

d. Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;

e. Remodeling and use changes within existing structures;

f. Additions to existing structures (~~((which))~~) that are exempt from environmental review; and

g. Expansions of ~~((a))~~ surface parking, ~~((area or open))~~ outdoor storage, outdoor sales or outdoor display of rental equipment ~~((area))~~ of less than twenty (20) percent of the parking, ~~((area or))~~ storage, sales or display area, or number of parking spaces.

3. Exceptions from ~~((Required))~~ Street Improvement Requirements. The Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, landscaping, and ~~((sidewalk and pedestrian walkway))~~ curb installation when it is determined that one (1) or more of the following conditions are met~~((:))~~. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing access and circulation.

a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees or other valuable and character-defining mature vegetation makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes widening and/or improving the right-of-way impractical or undesirable.

1 c. Widening the right-of-way and/or improving the street would adversely
2 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City
3 plan for Green Streets, boulevards, or other special rights-of-way, or would otherwise conflict
4 with the stated goals of such a plan.

5 d. Widening and/or improving the right-of-way would make building on a
6 lot infeasible by reducing it to dimensions where development standards cannot reasonably be
7 met.

8 e. Widening and/or improving the right-of-way would ((~~eliminate street~~))
9
10 preclude vehicular access to an existing lot.

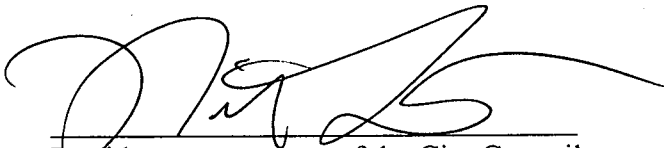
11 f. One (1) or more substantial principal structures on the same side of the
12 block as the proposed project are located in the area needed for future expansion of the right-of-
13 way and the structure(s)' condition and size make future widening of the remainder of the right-
14 of-way unlikely.

15 g. Widening and/or improving the right-of-way is impractical because
16 topography would preclude the use of the street for vehicular access to the lot, for example due to
17 an inability to meet the required twenty (20) percent maximum driveway slope.

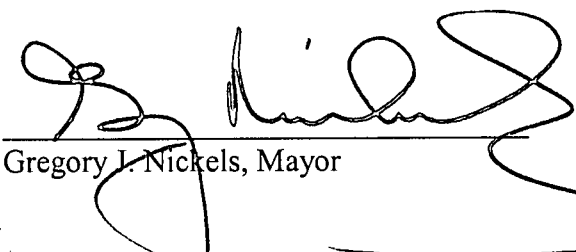
18 h. Widening and/or improving the right-of-way is not necessary because it
19 is adequate for current and potential ((~~pedestrian and~~)) vehicular traffic, for example, due to the
20 limited number of lots served by the development or because the development on the street is at
21 zoned capacity.

22 Section 10. This ordinance shall take effect and be in force thirty (30) days from and
23 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
24 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

1 Passed by the City Council the 7th day of December, 2007, and signed by me in open
2 session in authentication of its passage this 17th day of December, 2007.

3
4 
5 President _____ of the City Council

6
7 Approved by me this 21st day of December, 2007.

8
9 
10 Gregory I. Nickels, Mayor

11
12 Filed by me this 21st day of December, 2007.

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14 
15 City Clerk

16 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld/684-8148	Not Applicable

Legislation Title: Sidewalk Requirements

AN ORDINANCE relating to land use and zoning; repealing Section 23.48.022, amending Sections 23.22.052, 23.22.100, 23.24.020, 23.24.035, 23.24.040, 23.53.015 and 23.53.020, and adding a new Section 23.53.006 to the Seattle Municipal Code to amend the requirements for pedestrian access and circulation.

Summary of the Legislation:

The proposed legislation amends the Land Use Code to require additional sidewalks in association with private development projects. The proposal applies to projects citywide with a focus on parcels within urban centers, urban villages, and adjacent to arterials. The objective is to advance the creation of a safe, contiguous, and geographically-appropriate pedestrian network. Toward that end, a new section 23.53.006 would be added to the Seattle Municipal Code to establish pedestrian access and circulation requirements. In addition, several other sections of the Land Use Code would be amended to reference new sidewalk requirements.

Background:

Forty percent of the streets in Seattle, totaling approximately 650 miles, do not have full sidewalks on both sides of the street; 27% of city streets have no sidewalks at all. Through both City and private investment, progress is slowly being made to increase the inventory of sidewalks. However, current regulations include project thresholds and exceptions that exempt developments of a certain size or type from making full improvements for pedestrians, thereby impeding progress in adding to the city's pedestrian infrastructure. As a result of these broad exceptions, development is occurring in areas that do not have sidewalks without the pedestrian infrastructure needed to support increased density.

- *Please check one of the following:*

☐ **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

☒ **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*



Appropriations: No funds would be appropriated by this legislation.

Anticipated Revenue/Reimbursement: Resulting From This Legislation:

Fund Name and Number	Department	Revenue Source	2008 Revenue	2009 Revenue
Transportation Operating Fund 10310	Seattle Department of Transportation (SDOT)	Street Use Permit Fees	\$81,250	\$81,250
TOTAL			\$81,250	\$81,250

Notes: SDOT estimates that the legislation would result in approximately 50 more street use permits annually for construction of new sidewalks. Half of the permits (25) are expected to be for projects with less than 750 square feet of sidewalk area. For these smaller permits, the average fee revenue is \$750. The other 25 permits would require a more detailed review, and fees for them would average \$2,500. The total expected additional revenue from the permits is therefore estimated to be \$81,250.

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:

No positions are proposed to be affected by this legislation. However, SDOT estimates that a street use plan reviewer/inspector can handle a permit volume equal to approximately \$140,000 annually. If the estimates of additional permit volume resulting from the legislation are correct, SDOT could be short .6 FTE, or more if there are more complex permits than anticipated. SDOT would use consultant resources to address this staffing shortage, but in the future may need to add plan review staff to handle the additional permits.

What is the financial cost of not implementing the legislation? If this legislation is not adopted, fewer sidewalks would be built as part of private development in urban centers, urban villages, and pedestrian designated zones, and along arterials. If sidewalks are not built as part of private development, there may be demand in the future for the City to provide the sidewalks.

What are the possible alternatives to the legislation that could achieve the same or similar objectives? Not applicable.

Is the legislation subject to public hearing requirements: A public hearing on the sidewalk requirements proposed by the Executive was held by the Urban Development and Planning Committee of the City Council on September 26, 2007. This bill is would amend the Executive proposal to require sidewalk construction by private developers in fewer circumstances. It does not require a second public hearing.

STATE OF WASHINGTON – KING COUNTY

--SS.

218864
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122615 ORDINANCE

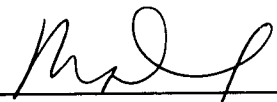
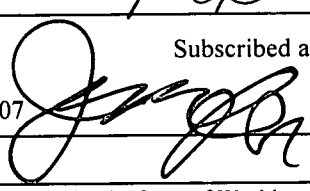
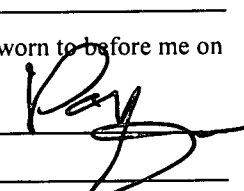
was published on

12/31/07

The amount of the fee charged for the foregoing publication is the sum of \$1,883.25, which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on
12/31/07  
Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122615

AN ORDINANCE relating to land use and zoning; repealing Section 23.48.022, amending Sections 23.22.052, 23.22.100, 23.24.020, 23.24.035, 23.24.040, 23.53.015 and 23.53.020, and adding a new Section 23.53.006 to the Seattle Municipal Code to amend the requirements for pedestrian access and circulation.

WHEREAS the benefits of walking in terms of disease prevention, mental and physical fitness, social interaction, and general public health and well-being are well-documented; and

WHEREAS the ease with which pedestrians can navigate within a community is an important index of the livability, vitality, affordability, and attractiveness of that community; and

WHEREAS communities where walking is an important part of the transportation network are acknowledged as being more efficient and sustainable; and

WHEREAS the development of pedestrian-friendly neighborhoods and facilities is consistent with the Seattle Comprehensive Plan; and

WHEREAS the Comprehensive Plan has identified Urban Centers and Urban Villages as the areas most suitable to accommodate future population and employment growth; and

WHEREAS public transit service is located primarily within Urban Centers, Urban Villages, and along arterial streets; and

WHEREAS multifamily housing, employment centers, and public transit are significant generators of pedestrian activity; and

WHEREAS the majority of the city's pedestrian activity is located in and around Urban Centers, Urban Villages, and public transit facilities; and

WHEREAS new development is contributing significantly to the volume of both vehicular and pedestrian traffic, particularly in Urban Centers, Urban Villages, and along arterials, necessitating additional sidewalk infrastructure to safely separate new pedestrians from growing vehicular traffic; and

WHEREAS it is necessary to address the growing need for pedestrian infrastructure in areas developing consistent with the City's growth management strategy to accommodate new development in Urban Centers and Villages; and

WHEREAS in order to safely move people from new development to and among destinations within centers, villages, and along arterials including transit stations, commercial goods and services, and jobs, it is necessary that, over time, a safe pedestrian infrastructure connects these destinations with new development; and

WHEREAS the Land Use Code's requirements for sidewalks are inadequate to meet the growing need for pedestrian infrastructure caused by new development; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalk within the subdivision and to existing sidewalks contiguous to the subdivision.

~~((G.))D. ((Convenient pedestrian and)) Vehicular access to every lot shall be from ((by way of)) a dedicated street, ((or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required.)) unless the Director determines that the following conditions exist, and permits access by a permanent private easement.~~

1. Access by private easement would not compromise the goals of the Land Use Code to provide for adequate pedestrian access and safety, light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking ~~((for overflow conditions))~~; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

~~((D.))E. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian ~~((traffic))~~ access and circulation at least ten (10) feet wide parallel to and bordering the high water mark.~~

~~((E.))F. If the Hearing Examiner concludes that the public interest will be served, the Hearing Examiner may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, ~~((sidewalks))~~ pedestrian access and circulation, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered~~

to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the easement shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner may impose other conditions as he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

~~((F.))G. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quitclaim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.~~

~~((G.))H. Dedicated sidewalks, streets and alleys shall meet the requirements of Chapter 23.53 and the Right-of-Way Improvements Manual. Private ~~((B))~~ easements shall meet the requirements of Section 23.53.025.~~

Section 2. Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

23.22.100 Design standards.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

C. Lots.

1. Every lot shall be provided with convenient pedestrian and vehicular access to a street or to a permanent appurtenant easement ~~((which))~~ that satisfies the requirements of Sections 23.53.005 and 23.53.006.

2. Lots shall be numbered with reference to blocks.

D. ~~((Sidewalks.))~~ Design Standards for Pedestrian Access and Circulation. Design of sidewalks ~~((or))~~ and private sidewalk easements ~~((in residential subdivisions))~~ for pedestrian access and circulation shall meet the standards of ~~((shall be as required by))~~ the ~~((Director of Transportation))~~ Right-of-Way Improvements Manual.

Section 3. Section 23.24.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.24.020 Content of application.

Applications for approval of a short subdivision shall include the following:

F. Location of existing roadways, sidewalks and/or pedestrian walkways, sanitary sewer, storm drain and watermain, if any, together with proposed street improvements; and

Section 4. Section 23.24.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

23.24.035 Access.

A. Every short ~~((plot))~~ subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

~~((G. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.))~~

C. When sidewalks are provided on dedicated streets, they must be convenient for pedestrians and contiguous to each other and to any private sidewalk within the short subdivision and to existing sidewalks contiguous to the short subdivision.

D. Vehicular ((A)) access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by private easement would not compromise the goals of the Land Use Code to provide for adequate pedestrian access and safety, light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking ~~((for overflow conditions))~~; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

E. Dedicated streets, sidewalks, and alleys shall meet the requirements of Chapter 23.53 and the Right of Way Improvements Manual. Private ((B)) easements shall meet the requirements of Section 23.53.025.

Section 5. Section 23.24.040A of the Seattle Municipal Code, which Section was last amended by Ordinance 121163, is amended as follows:

23.24.040 Criteria for approval.

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. Conformance to the applicable Land Use Code provisions, as modified by this chapter;

2. Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;

3. Adequacy of drainage, water supply and sanitary sewage disposal;

4. Whether the public use and interests are served by permitting the proposed division of land;

5. Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

6. Whether the proposed division of land ((B)) is designed to maximize the retention of existing trees;

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing; and

8. Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.

Section 6. Section 23.48.022 of the Seattle Municipal Code, which Section was established by Ordinance 118302, is hereby repealed.

Section 7. A new Section 23.53.006 of the Seattle Municipal Code, is adopted to read as follows:

23.53.006 Pedestrian access and circulation

A. General Requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this Section. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian walkways. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

B. Dedication of New Streets. Sidewalks and curbs are required when new streets are dedicated.

C. Within Urban Centers and Urban Villages. Within Urban Centers and Urban Villages, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed that abuts any existing street without a sidewalk, in any zone, except as specified in subsection F of this section.

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection F of this section:

1. In any zone with a pedestrian designation, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed.

2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

4. In SF, LDT and L1 zones, sidewalks are required when ten (10) or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when ten (10) or more dwelling units are developed.

5. Outside of SF, LDT and L1 zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required when six (6) or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when six (6) or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required when the following nonresidential uses are developed:

a. Seven hundred fifty (750) square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

b. Four thousand (4,000) square feet or more of nonresidential uses not listed in subsection D6a.

E. Requirements for Pedestrian Walkways in Certain Industrial Zones. In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, whenever development is proposed on existing streets that do not have curbs, a pedestrian walkway is required, except as provided in subsection F of this section.

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. **Projects Exempt from Requirements.** Pedestrian access and circulation improvements are not required for the following types of projects:

a. changes of use;

b. alterations to existing structures;

c. additions to existing structures that are exempt from environmental review;

d. expansions of surface parking, outdoor storage, outdoor sales and outdoor display of rental equipment of less than twenty (20) percent of the parking, storage, sales or display area, or number of parking spaces.

e. In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, in addition to the exemptions in subsections F1a through F1d, pedestrian access and circulation improvements are not required for the following types of development:

i. Fewer than ten (10) artist's studio dwellings;

ii. Less than seven hundred fifty (750) square feet of gross floor area of major and minor vehicle repair uses and multipurpose retail sales;

iii. Less than four thousand (4,000) square feet of gross floor area of nonresidential uses not listed in subsection F1eii.

2. Waiver or Modification of Pedestrian Access and Circulation Requirements.

a. The Director, in consultation with the Director of Transportation, may waive or modify pedestrian access and circulation requirements when one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing pedestrian access and circulation.

i. Location in an environmentally critical area or buffer makes installation of a sidewalk impractical or undesirable;

ii. The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes installation of a sidewalk impractical or undesirable;

iii. Sidewalk construction would result in undesirable disruption of existing drainage patterns, or disturbance to or removal of natural features such as significant trees or other valuable and character-defining mature vegetation;

iv. Sidewalk construction would preclude vehicular access to the lot, for example on project sites where topography would render driveway access in excess of the maximum twenty percent (20%) slope.

3. Deviation from Sidewalk Standards. The Director of Transportation may grant a deviation from sidewalk standards specified in the Right-of-Way Improvements Manual through the Deviation Request Process in order to address environmental and sustainability issues through the use of an alternative sidewalk design and/or materials.

Section 8. Section 23.53.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

A. General Requirements.

1. ~~((In residential or commercial zones; w))~~ When new lots are proposed to be created, or any type of development is proposed in residential or commercial zones, existing streets abutting the lot(s) ~~((shall be))~~ are required to be improved in accordance with this section and Section 23.53.006. Pedestrian access and circulation. One (1) or more of the following types of improvements may be required under this section:

a. Pavement;

b. Curb ~~((and sidewalk))~~ installation;

c. Drainage;

d. Grading to future right-of-way grade;

e. Design of structures to accommodate future right-of-way grade;

f. No-protest agreements; and

g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.

2. Subsection D of this section contains exceptions from the standard requirements for street improvements, including exceptions for streets ~~((which))~~ that already have curbs, projects ~~((which))~~ that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

3. Off-site improvements, such as provision of drainage systems or fire access roads, ~~((with))~~ shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual ~~((as adopted by joint rule of the Director and the Director of Transportation)).~~

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Right-of-Way Improvements Manual. ~~((See Exhibit 23.53.015 A.))~~

b. Non-arterials.

(1) The minimum right-of-way width for an existing street ~~((which))~~ that is not an arterial designated on Exhibit 23.53.015 A shall be as shown on (c) Chart A for Section 23.53.015.

Chart A

for Section 23.53.015

Minimum Right-of-Way Widths for Existing Non-arterial Streets

Zone Category -- Required Right-of-Way Width

1. SF, LDT, L1, L2 and NC1 zones; and NC2 zones with a maximum height limit of forty feet (40') or less -- 40 feet

2. L3, L4, MR, HR, NC2 zones with height limits of more than forty feet (40'), NC3, C1, C2 and SCM zones -- 52 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements to Arterials. Except as provided in subsection D of this section, arterials shall be improved according to the following requirements:

1. When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a ~~((concrete))~~ curb and ~~((sidewalk))~~ pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way ~~((shall be))~~ is required.

C. Improvements to Non-arterial Streets. Except as provided in subsection D of this section, non-arterial streets shall be improved according to the following requirements:

1. **Non-arterial Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.**

a. **Improvement Requirements.** When an existing non-arterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6, a paved roadway with ~~((a concrete curb and sidewalk))~~ pedestrian access and circulation as required by 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

b. **Fire Access.** If the lot does not have vehicular access from a street or private easement ~~((which))~~ that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative ~~((which))~~ that provides adequate emergency vehicle access.

c. **Dead-end Streets.** Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Right-of-Way Improvements Manual. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. Non-arterial Streets With Less Than the Minimum Right-of-Way Width.

a. **Dedication Requirement.** When an existing non-arterial street has less than the minimum right-of-way width established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

b. **Improvement Requirement.** A paved roadway with ~~((a concrete curb and sidewalk))~~ pedestrian access and circulation as required by Section 23.53.006, drainage facilities and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

c. **Fire Access.** If the lot does not have vehicular access from a street or private easement ~~((which))~~ that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative ~~((which))~~ that provides adequate emergency vehicle access.

d. **Dead-end Streets.** Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround ~~((in accordance with))~~ as specified in the Right-of-Way Improvements Manual. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

D. Exceptions.

1. **Streets With Existing Curbs.**

a. **Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.** When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements ~~((shall be))~~ is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

~~((If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot except when the following types of projects are proposed:~~

i. ~~Remodeling and use changes within existing structures; and~~

ii. ~~Additions to existing structures that are exempt from environmental review.)~~

(3) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. **Streets With Less than the Minimum Right-of-Way Width.** When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) **Setback Requirement.** A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standard~~((s))~~, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements ~~((shall be))~~ is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(4) Pedestrian access and circulation is required as specified in Section 23.53.006.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) single family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, ~~((according to))~~ as specified in the Right-of-Way Improvements Manual.

(2) All structures on the lot(s) shall be designed and built to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(4) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments that contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ~~((convenience stores))~~ retail sales;

iii. Non-residential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii that are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

vii. Expansions of ~~((a))~~ surface parking, ~~((area or open))~~ outdoor storage, outdoor sales or outdoor display of rental equipment

~~((area))~~ of less than twenty (20) percent of the parking, ~~((area or))~~ storage, sales or display area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround ~~((in accordance with))~~ as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The ~~((setback, grading and no-protest agreement))~~ requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping, and curb ~~((and sidewalk))~~ installation when ~~((it is determined that))~~ one (1) or more of the following conditions are met: ~~((a))~~. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing access and circulation.

a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees or other valuable and character-defining mature vegetation makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes widening and/or improving the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would ~~((eliminate street))~~ preclude vehicular access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential ~~((pedestrian and))~~ vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 9. Section 23.53.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

23.53.020 Improvement requirements for existing streets in industrial zones.

A. General Requirements.

1. When new lots are created or any type of development is proposed in an industrial zone, existing streets abutting the lot(s) ~~((shall be))~~ are required to be improved in accordance with this section and Section 23.53.006. Pedestrian access and circulation. One (1) or more of the following types of improvements may be required by this section:

- Pavement;
- Curb ~~((and sidewalk))~~ installation;
- ~~((Pedestrian walkways))~~
- ~~((d))~~ Drainage;
- ~~((e))~~ Grading to future right-of-way grade;
- ~~((f))~~ Design of structures to accommodate future right-of-way grade;
- ~~((g))~~ No-protest agreements; and

~~((h))~~ g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.

2. Subsection E of this section contains exceptions from the standard requirements for street ~~((a))~~ improvements, including exceptions for streets ~~((which))~~ that already have curbs, projects ~~((which))~~ that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.

3. Off-site improvements, such as provision of drainage systems or fire access roads, ~~((with))~~ shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual ~~((as adopted by joint rule of the Director and the Director of Transportation))~~.

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Right-of-Way Improvements Manual.

b. Non-arterials.

(1) The minimum right-of-way width for an existing street ~~((which))~~ that is not an arterial designated on Exhibit 23.53.015 A shall be as shown on ~~((c))~~ Chart A for Section 23.53.020.

Chart A
for Section 23.53.020
Minimum Right-of-Way Widths for Existing Non-arterial Streets
Zone Category -- Required Right-of-Way Width

- 1B, IC -- 52 feet
- 2, IG1, IG2 -- 56 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection E of this section, when a lot abuts a street designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-site improvements shall be provided:

1. Dedication Requirement. When the street right-of-way is less than the minimum width established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way and the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

2. ~~((Curbs and Sidewalks))~~ Improvement Requirements. A paved roadway with a curb, ~~((and sidewalk))~~ pedestrian access and circulation as required by Section 23.53.006 and drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

3. Street Trees.

a. Street trees shall be provided along designated street frontages. Street trees shall be provided in the planting strip ~~((according to))~~ as specified in City Tree Planting Standards.

b. Exceptions to Street Tree Requirements.

(1) Street trees required by subsection B3a may be located on the lot at least two (2) feet from the street lot line instead of in the planting strip when:

i. Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this section;

ii. It is not feasible to plant street trees according to City standards. A five (5) foot deep landscaped setback area shall be required along the street property lines and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be planted there if they cannot be placed in the planting strip.

C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in

subsection E of this section, the following improvements shall be required in IG1 and IG2 zones, in addition to the pedestrian access and circulation requirements of Section 23.53.006. Further improvements may be required on streets designated in subsection B of this section.

~~((1))~~ Pedestrian Walkway Requirement. When an existing street right-of-way abuts a lot and the street does not have curbs, pedestrian walkways shall be provided according to the Right-of-Way Improvements Manual.

~~((2))~~ 1. Setback Requirement. When the right-of-way abutting a lot has less than the minimum width established in subsection A6 of this section, a setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ~~((shall be))~~ is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard ~~((e))~~, except that required parking may not be located in the setback. Underground structures ~~((which))~~ that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

~~((3))~~ 2. Grading Requirement. When an existing street abutting a lot is less than the width established in subsection A6 of this section, all structures shall be designed and built to accommodate the grade of the future street improvements.

~~((4))~~ 3. Fire Access. If the lot does not have vehicular access from a street or private easement ~~((which))~~ that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative ~~((which))~~ that provides adequate emergency vehicle access.

~~((5))~~ 4. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround ~~((in accordance with))~~ as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

~~((6))~~ 5. No-protest Agreement Requirement. When a setback ~~((and/or pedestrian walkway))~~ is required ~~((according to))~~ by subsection ~~((e))~~ C1 ~~((and/or C2))~~, or a pedestrian walkway is required as specified in Section 23.53.006, a no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones. Except as provided in subsection E of this section, the following improvements ~~((shall be provided))~~ are required in IB and IC zones ~~((a))~~, in addition to the pedestrian access and circulation requirements of Section 23.53.006. Further improvements may be required on streets designated in subsection B of this section.

1. **Applicable Zones.** The requirements of this subsection D1 shall apply when projects are proposed on lots in IB zones ((which)) that are directly across a street from, or ((which)) that abut, a lot in a residential or commercial zone, and to all projects in IC zones:

a. **Improvements to Arterials.**

(1) When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a ((concrete)) curb, and ((sidewalk)) pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, ((according to)) as specified in the Right-of-Way Improvements Manual.

(2) If necessary to accommodate the right-of-way widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

b. **Improvements to Non-arterial Streets.**

(1) **Non-arterial Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-Way Width.**

i. **Improvement Requirements.** When an existing non-arterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6 of this section, a paved roadway with ((a concrete curb and sidewalk)) pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, ((according to)) as specified in the Right-of-Way Improvements Manual.

ii. **Fire Access.** If the lot does not have vehicular access from a street or private easement ((which)) that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative ((which)) that provides adequate emergency vehicle access.

iii. **Dead-end Streets.** Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround ((in accordance with)) as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(2) **Non-arterial Streets ((Which Have)) With Less Than the Minimum Right-of-Way Width.**

i. **Dedication Requirement.** When an existing non-arterial street has less than the minimum right-of-way established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ((shall be)) is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

ii. **Improvement Requirement.** A paved roadway with ((a concrete curb and sidewalk)) pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, ((according to)) as specified in the Right-of-Way Improvements Manual.

iii. **Fire Access.** If the lot does not have vehicular access from a street or private easement ((which)) that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative that provides adequate emergency vehicle access.

iv. **Dead-end Streets. ((When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.))** Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. When projects are proposed on lots in IB zones ((which)) that are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection C of this section shall be met.

E. **Exceptions.**

1. **Streets With Existing Curbs.**

a. **Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width.** When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements ((shall be)) is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed except when an exception set forth in Section 23.53.006 is applicable. ((the following projects are proposed:

i. **Remodeling and use changes within existing structures;**

ii. **Additions to existing structures which are exempt from environmental review.))**

b. **Streets With Less Than the Minimum Right-of-way Width.** When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) **Setback Requirement.** A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section ((shall be)) is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures ((which)) that would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

(2) **Grading Requirement.** When a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, ((according to)) as specified in the Right-of-Way Improvements Manual.

(3) A no-protest agreement to future street improvements ((shall be)) is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(4) **If there is no sidewalk, a sidewalk shall be constructed except when an exception set forth in Section 23.53.006 is applicable.**

2. **Projects with Reduced Improvement Requirements.** The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the ((setback, grading and no-protest)) pedestrian access and circulation requirements specified in Section 23.53.006 and the requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A6 of this section or does not meet the grade of future street improvements.

a. **Structures with fewer than ten (10) artist's studio dwellings;**

b. **The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ((convenience stores)) retail sales;**

c. **Nonresidential structures ((which)) that have less than four thousand (4,000) square feet of gross floor area and ((which)) that do not contain uses listed in subsection E2b of this section ((which)) that are larger than seven hundred fifty (750) square feet;**

d. **Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;**

e. **Remodeling and use changes within existing structures;**

f. **Additions to existing structures ((which)) that are exempt from environmental review; and**

g. **Expansions of ((a)) surface parking, ((area or open)) outdoor storage, outdoor sales or outdoor display of rental equipment ((area)) of less than twenty (20) percent of the parking, ((area or)) storage, sales or display area, or number of parking spaces.**

3. **Exceptions from ((Required)) Street Improvement Requirements.** The Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, landscaping, and ((sidewalk and pedestrian walkway)) curb installation when it is determined that one (1) or more of the following conditions are met (()). The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing access and circulation.

a. **Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees or other valuable and character-defining mature vegetation makes widening and/or improving the right-of-way impractical or undesirable.**

b. **The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes widening and/or improving the right-of-way impractical or undesirable.**

c. **Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for Green Streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.**

d. **Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.**

e. **Widening and/or improving the right-of-way would ((eliminate street)) preclude vehicular access to an existing lot.**

f. **One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.**

g. **Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.**

h. **Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential ((pedestrian and)) vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.**

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of December, 2007, and signed by me in open session in authentication of its passage this 17th day of December, 2007.

Nick Licata

President of the City Council

Approved by me this 21st day of December, 2007.

Gregory J. Nickels, Mayor

Filed by me this 21st day of December, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 31, 2007.
12/31/218864